

HOUSE BILL 2596
By Brown

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 2, relative to election of certain judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 2, is amended by adding the following sections as a new, appropriately designated part.

SECTION 2. (a) In counties having a population of not less than two hundred eighty-five thousand (285,000), nor more than two hundred eighty-six thousand (286,000), according to the 1990 federal census or any subsequent federal census, the courts of general sessions, probate and all other state trial courts of record shall be divided into specific divisions substantially according to population.

(b) The four (4) judges for the circuit court shall be elected from four (4) single member divisions. The three (3) judges for the Criminal Court and the three (3) judges for the court of general sessions shall be elected from three (3) single member divisions. The two (2) judges for the chancery court shall be elected from two (2) single member divisions.

(c) There shall be no division residency requirement and all judges shall exercise jurisdiction countywide and as provided by state law.

SECTION 3. All judges shall be subject to countywide midterm retention elections. Judges retained by a majority of the votes cast shall serve the remainder of their terms. If a judge is not retained by a majority of the votes cast, a special election shall be called as soon as

practicable to fill the unexpired term of such judge's office. A judge who is not retained shall not be eligible to be a candidate in any special midterm election but shall remain in office until such persons successor is duly elected and takes the oath of office.

SECTION 4. (a) Prior to February 1, 1998, and at least every ten (10) years thereafter, following a federal decennial census, the county legislative body of a county affected by the provisions of Section 2 shall apportion each court division for the general sessions courts of such county so that the apportionment of each such division shall be substantially according to population. The county legislative body shall use the latest federal census data whenever a reapportionment is made.

(b) Prior to February 1, 1998, and at least every ten (10) years thereafter, following a federal decennial census, the Tennessee general assembly shall apportion each court division for the criminal, chancery, circuit, and other courts of record of each county to which Section 2 applies so that the apportionment of each such division shall be substantially according to population. The general assembly shall use the latest federal census data whenever a reapportionment is made.

(c) Each division shall be reasonably compact and contiguous and shall not overlap.

(d) Upon application of any citizen of the judicial district affected, the Tennessee court of appeals shall have original jurisdiction to review the apportionment, and shall have jurisdiction to make such orders and decrees amending the apportionment to comply with this section, or if the county legislative body or general assembly, respectively, fails to make the apportionment, shall make a decree ordering an apportionment.

SECTION 5. In the alternative, all judges of a county or state trial court in such counties shall be elected countywide, using either limited or cumulative voting.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

